

2017 No.

MERCHANT SHIPPING

**The Merchant Shipping (Passenger Safety Amendments)
Regulations 2017**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	1st July 2017

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 85(1)(a) and (b), (3), and 86(1) of the Merchant Shipping Act 1995(a) and section 2(2) of the European Communities Act 1972(b).

The Secretary of State has consulted the persons referred to in section 86(4) of the Merchant Shipping Act 1995.

The Secretary of State is a Minister designated(c) for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to the safety of ships, and the health and safety of persons on them.

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Passenger Safety Amendments) Regulations 2017 and come into force on 1st July 2017.

Amendment of the Merchant Shipping (Survey and Certification) Regulations 2015

2. In regulation 3 (interpretation) of the Merchant Shipping (Survey and Certification) Regulations 2015(d), for the definition of “the Directive” substitute—

““the Directive” means Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships(e)”.

(a) 1995 c.21. Subsections (1) and (3) of section 85 were amended by the Merchant Shipping and Maritime Security Act 1997 (c.28), section 8 and are applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350).
(b) 1972 c.68. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7).
(c) S.I. 1993/595.
(d) S.I. 2015/508.
(e) OJ L163, 25.6.2009, p.1, as amended by Commission Directive 2010/36/EU dated 29 June 2010 (OJ L162, 29.6.2010, p.1) and Commission Directive 2016/844/EU dated 28 May 2016 (OJ L141, 28.5.2016, p.51).

Amendment of the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010

3.—(1) The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010(a) are amended as follows.

(2) In regulation 3 (application), in paragraph (3)(b) for “Directive 2009/45/EC dated 6 May 2009 of the European Parliament and of the Council on safety rules and standards for passenger ships” substitute “Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships”.

(3) After regulation 14 insert—

“Review

15.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision contained in these Regulations, and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 1st July 2022.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015(b) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how Directive 2006/87/EC(c) is implemented in other member states.

(5) Section 30(4) of the Small Business, Enterprise and Employment Act requires that a report published under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),
- (b) assess the extent to which those objectives are achieved,
- (c) assess whether those objectives remain appropriate and,
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved with a system that imposes less onerous regulatory provision.

(6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).”

Amendment of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000

4.—(1) The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(d) are amended as follows.

(2) In regulation 2(e) (interpretation)—

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- (a) S.I. 2010/1075.
 - (b) 2015 c. 26. Section 30(3) was amended by the Enterprise Act 2016 (s. 12), section 19.
 - (c) Directive 2006/87/EC dated 12 December 2006 of the European Parliament and of the Council laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC (OJ L389, 30.12.2006, p.1), as amended by Directive 2006/137/EC dated 18 December 2006 of the European Parliament and of the Council (OJ L389, 30.12.2006, p.261), Directive 2008/59/EC dated 12 June 2008 of the European Parliament and of the Council (OJ L166, 27.6.2008, p.31), Directive 2008/68/EC dated 24 September 2008 of the European Parliament and of the Council (OJ L260, 30.9.2008, p.13), Commission Directive 2008/87/EC dated 22 September 2008 (OJ L25, 23.9.2008, p.5), Commission Directive 2008/126/EC dated 19 December 2008 (OJ L32, 31.1.2009, p.1), Commission Directive 2009/46/EC dated 24 April 2009 (OJ L109, 30.4.2009, p.14), Commission Directive 2012/48/EU dated 10 December 2012 (OJ L1, 10.1.2013, p.1), Commission Directive 2012/49/EU dated 10 December 2012 (OJ L6, 10.1.2013, p.49), Council Directive 2013/22/EU dated 13 May 2013 (OJ L158, 10.6.2013, p.356) and Commission Directive 2013/49/EU dated 11 October 2013 (OJ L272, 12.10.2013, p.41)
 - (d) S.I. 2000/2687.
 - (e) The definition of “the Directive” was substituted by S.I. 2012/2636, regulation 3(2)(a).

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- (a) for the definition of “the Directive” substitute—
“the Directive” means Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships”;
 - (b) in the definition of “domestic voyage”, in both places where it occurs, for “EEA State”, substitute “EEA State”;
 - (c) omit the definitions of “EEA Agreement” and “EEA State”; and
 - (d) in paragraph (2), for “EEA States”, substitute “EEA States”.
- (3) In regulation 7 (alternative construction, equipment and machinery), in paragraph (2), for “EEA States”, substitute “EEA States”.
- (4) In regulation 7A(a) (stability requirements for ro-ro passenger ships), in paragraph (1), for “EEA States”, substitute “EEA States”.

Signed by authority of the Secretary of State for Transport

Date

Name
Minister of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Commission Directive 2016/844/EU (OJ L 141, 28.5.2016, p.51)(“the Commission Directive”), which amends Directive 2009/45/EC (OJ L 163, 25.6.2009, p.1)(“the 2009 Directive”) on safety rules and standards for passenger ships. The Commission Directive makes several technical amendments to Annex I of the 2009 Directive.

Regulations 2, 3 and 4 each replace the definition of the 2009 Directive in order to incorporate the technical amendments to the 2009 Directive made by the Commission Directive. Regulation 2 makes this amendment in the Merchant Shipping (Survey and Certification) Regulations 2015, whilst Regulation 3 does the same in the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 and Regulation 4 does the same in the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000.

Regulation 3 also inserts a review provision into the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010, which requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and every five years after that. Following the review, it will fall to the Secretary of State to consider whether the Regulations should continue in force with or without amendment. A further instrument would be needed to revoke those regulations.

Regulation 4 also removes previous definitions of “EEA State” and “EEA Agreement” from the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000, and reinserts the words “EEA State(s)” whenever they appear, so as to allow the words to be defined pursuant to the definition provided in the Interpretation Act 1978.

The Explanatory Memorandum and Transposition Note published alongside this instrument are available on the website <http://www.legislation.gov.uk>.

A copy of the Commission Directive is available on the website <http://eur-lex.europa.eu>.

(a) Regulation 7A was inserted by S.I. 2004/2813, regulation 2(6).